

REMARKS/ARGUMENTS

Favorable consideration of this Application and in light of the following discussion is respectfully requested.

Claims 1-20 are pending in the present Application Claims 15-20 being currently withdrawn and Claims 1, 2, 5, 6, 8, 9 and 12 being amended. Support for amendments to Claims 1, 2, 5, 6, 8, 9 and 12 can be found, at least, in the specification in the paragraph beginning on page 12, line 18. Thus, no new matter has been added.

By way of summary, the Final Official Action presents the following issues: Claims 1-14 stand rejected under 35 U.S.C. § 102(b) as anticipated by Stefik et al. (U.S. Patent No. 5,629,980, herein Stefik).

The Official Action has rejected Claims 1-14 under 35 U.S.C. § 102(b) as being anticipated by Stefik. The Official Action asserts that Stefik discloses all of the Applicant's claim limitations. Applicants respectfully traverse the rejection.

Claim 5 recites, in part,

An information processor comprising...
means for combining the first and second contents together
when it is determined by the first and second judging means
that neither the first nor second content has been transferred to
another apparatus connected to an information processor.

Stefik describes a system for controlling use and distribution of digital works. As shown in figure 18, Stefik describes checking to see if a loan right is attached to the work 1811 if so, the system checks to see if all copies are loaned out 1812, if they are then the transaction is terminated.¹ Thus, Stefik describes a system that allows a file to be shared with a limited number of users.

¹ Stefik, col. 31, line 63 to col. 32, line 18.

Conversely, in an exemplary embodiment of the Applicants' invention, content that is saved on an information processor (1-1) in a Contents Data Base (114) can be transferred to another apparatus connected to an information processor (e.g., a portable device (6-1)). The content has a limited number of transfers (shown in 352) and content transferred may be returned to the computer (1-1).

The outstanding Official Action cites col. 31, line 63 to col. 32, line 18 of Stefik as disclosing combining the first and second contents together when it is determined by the first and second judging means that neither the first nor second content has been checked out (transferred to another apparatus connected to an information processor).²

Applicants note that this portion of Stefik merely describes a composite work as having a minimum number of "loans" based on the sum of its parts. There is no disclosure or suggestion of combining content based on whether or not the content has been previously transferred to another apparatus connected to an information processor, as recited in Applicants Claim 1 and any claim depending therefrom.

Claims 5, 8 and 12 similarly recite the above noted features of Claim 1 and the arguments presented above also apply to these claims and claims depending therefrom.

Therefore, it is respectfully submitted that independent Claims 1, 5, 8 and 12 and any claims depending therefrom, patentably distinguish over the teachings of Stefik.

Accordingly, Applicants respectfully request that the final rejection of Claims 1-14 under 35 U.S.C. § 102 be withdrawn.

² outstanding Office Action page 3, lines 12-14.

Consequently, in view of the foregoing remarks, it is respectfully submitted that the present Application, including Claims 1-14, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Scott A. McKeown
Registration No. 42,866

I:\ATTY\JL\275734US\275734US_AM.DOC